

**DURHAM, NORTH CAROLINA
MONDAY, AUGUST 4, 2003
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Excused Absence: Council Member Edwards.

Also present: City Manager Marcia L. Conner, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with the Pledge of Allegiance and a moment of meditation.

SUBJECT: EXCUSED ABSENCE – COUNCIL MEMBER TAMRA EDWARDS

MOTION by Council Member Clement seconded by Council Member Stith to excuse Council Member Edwards from the meeting was approved at 7:02 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

Relative to the Mayor's Summer Youth Works Program, Mayor Bell recognized Corretta Allen [Age Group 14-15]; David Pearlman [Age Group 16-17] and Jasper Cameron [Age Group 18] as winners of the essay contest.

The Mayor read a proclamation designating August 16, 2003 as *Lincoln Hospital School of Nursing Day*.

The Mayor asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Conner 1) reminded everyone that *National Night Out* will be held Tuesday, August 5, 2003; 2) thanked Finance Director Ken Pennoyer and staff for their efforts in earning the Certificate of Achievement for Excellence in Financial Reporting for its Comprehensive Annual Financial Report [CAPER] for FY June 2002; 3) requested that GBA Item #36 [Proposed Sale of Erwin Field] be postponed indefinitely; 4) referred Consent Item #48 [Acquisition of Lowes Grove Property] to the August 7, 2003 City Council Work Session; 5) asked that presentations for Consent Agenda Items #50 [Citizen's Observer Patrol Pilot Program – District 2] and #51 [Monthly Crime Report] be heard at the beginning of the meeting.

Also, the City Manager requested that the 1) Carolina Theatre Repairs and 2) Contract with Graphic Design for Neighborhood Watch Signs be added to the agenda; 3) provided revised handout for GBA Items #40 [DBAP cleaning contract with CityScape Maintenance Group] and #60 [Zoning Text Amendment Potbellied Pigs [TC03-8]; and 4) requested a closed session to discuss matters related to a personnel action pursuant to G.S. 143-318.11(a).

August 4, 2003

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to add the City Manager's priority items to the agenda was approved at 7:22 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

MOTION by Council Member Clement seconded by Council Member Stith to go into a closed session after the regular meeting to discuss matters related to a personnel action pursuant to G.S. 143-318.11(a) was approved at 7:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

There were no priority items from the City Attorney.

City Clerk Gray informed Council that a valid protest petition has been filed against GBA Item #58 [Rezoning Case P02-75 – Abernathy Tract].

Council Member Clement congratulated Judge Allyson Duncan for being the first black female to sit on the Fourth Circuit Court of Appeals.

At this time during the meeting, Consent Agenda Item #50 [Citizen's Observer Patrol Program] and Item #51 were discussed.

SUBJECT: CITIZEN'S OBSERVER PATROL PILOT PROGRAM – DISTRICT 2

Police Officer Eric Hester made a presentation on the Citizen's Observer Patrol Program.

MOTION by Council Member Clement seconded by Council Member Cole-McFadden to receive a report of the proposed Citizen's Observer Patrol Pilot Program of District 2 with the goal of implementing as a city-wide volunteer program; and

To authorize the City Manager to purchase auto liability insurance and volunteer insurance for the COPS program for a period of one year, effective August, 2003 at a cost not to exceed \$1,350; and

To authorize the City Manager to purchase professional services required for drug screens for the COPS program at a cost not to exceed \$2,100 was approved at 7:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: MONTHLY CRIME REPORT

Major B. J. Council gave a power point presentation on the 2nd quarter crime report for 2003.

August 4, 2003

Council held discussion on the clearance rate and property crimes.

Victoria Peterson raised a concern with this item noting there are more than seven serious index crimes happening in the City of Durham.

Note: Council took action on this item later in the meeting.

[ITEM ADDED TO THE AGENDA]

SUBJECT: CAROLINA THEATRE REPAIRS

To adopt an ordinance amending the General Capital Project Ordinance to appropriate \$320,000 to fund the engineering and construction of the fly and rigging system, the Organ Loft and the Front of House Cove sections of Fletcher Hall in the Carolina Theatre.

Nancy Law, Assistant Director of General Services, provided background information on this item [see memo dated August 3, 2003]. She made comments that the report done over a year ago on the Carolina Theatre's fly and rigging system resulted in the need of \$130,000 worth of repairs and renovations and the request was included in this year's CIP; however, the CIP funding was not available when the budget was adopted June 16. After a request from the Carolina Theatre to seek alternative funding to have the work completed, Ms. Law noted Risk Management looked at the situation and indicated that the Theatre's rigging system and some additional catwalk repairs would need to be done in order to be within OSHA regulations. She noted there is an additional motion that needs to be added to the agenda to adopt a resolution authorizing the charge of \$40,000 to the contingency account of the general fund and a credit of \$40,000 to the non-assigned account to fund the debt service for one year.

Council Member Stith asked the administration why is there a disparity between the two assessments [\$130,000 to \$320,000].

Assistant Director Nancy Law noted when the report was done in October 2002, the inspector reviewed the stage house area [behind the curtain in Fletcher Hall]. Subsequent to that report, the safety officer looked at all areas above Fletcher Hall—identifying catwalks that needed to be repaired/replaced. Also, an engineering firm looked at all those areas and the cost increased when the Organ Loft and Front of House Cove were viewed. She noted also the costs increased due to adding those repairs and the engineering.

Council Member Stith asked the administration what would be the plan after the contingency for one year of debt service.

Finance Director Ken Pennoyer noted the plan is to issue certificates of participation in order to pay for the repairs.

Joe Jordan, of the Carolina Theatre Board, urged Council to approve the repairs described by City staff and to authorize that repairs be made on an urgent time schedule. He also

August 4, 2003

asked Council to provide additional funding for the theatre in an amount equal to the difference between the actual financial results for the months and periods which access to the theatre is limited and the financial results budgeted for these months. [see handout provided by Carolina Theatre]

In response to the request from Mr. Jordan, City Manager Conner requested that there be a meeting with staff and the Carolina Theatre to review numbers, look at impact and come back to Council with a recommendation.

Mayor Pro Tempore Cheek spoke in support of this item and discussed the issue of deferred maintenance.

Council Member Cole-McFadden spoke in support of this item.

Mayor Bell recommended that the City Manager review the financial impact information provided by Carolina Theatre and report back to Council as soon as possible. He made comments regarding deferred maintenance noting staff will bring a report back to Council on the maintenance needs outlining cost and impact for the City and how they should be addressed.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cheek to adopt an ordinance amending the General Capital Project Ordinance to appropriate \$320,000 to fund the engineering and construction of the fly and rigging system, the Organ Loft and the Front of House Cove sections of Fletcher Hall in the Carolina Theatre; and

To adopt a Resolution authorizing the charge of \$40,000 to the Contingency Account of the General Fund and a Credit of \$40,000 to the Non-Assigned Account was approved at 8:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

Ordinance # 12847

Resolution #9024

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. Consent Agenda Items # 10 [Extension of 1996 Referendum Authority]; 30 [Contract with Heritage Directions, LLC for Historic Parrish Street Commemoration]; 32 [Youth Contract Amendment with Durham Public Schools]; 33 [Revision of the City of Durham Job Incentive Policy]; and 44 [Employment and Public Accommodations Ordinance] were pulled from the Consent Agenda.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the Consent Agenda as amended was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

August 4, 2003

[CONSENT AGENDA]

SUBJECT: CITY COUNCIL MINUTES – CITY CLERK’S OFFICE

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve City Council minutes for the following meetings was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

June 2, 2003 - Regular Meeting
June 12, 2003 - Special Meeting
June 16, 2003 - Regular Meeting
June 16, 2003 - Special Meeting
June 17, 2003 - Special Meeting

SUBJECT: DURHAM PLANNING COMMISSION - APPOINTMENT

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to appoint Harry Dawley to the Durham Planning Commission representing District 6 with term expiring June 30, 2006 was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: HOUSING APPEALS BOARD – REAPPOINTMENT AND APPOINTMENT

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to reappoint Nancy Love as a Regular Member to represent Resident Owner and to appoint Paul J. Stinson as an Alternate Member to represent Landlord with terms expiring June 30, 2006 was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: RECREATION ADVISORY COMMITTEE - REAPPOINTMENT

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to reappoint Ronald Rafael McDaniel to the Recreation Advisory Committee with term expiring August 8, 2006 was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: ENVIRONMENTAL AFFAIRS BOARD - RECEIPT AND ACCEPTANCE OF APPLICATIONS

August 4, 2003

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive and accept applications for citizens to fill two (2) vacancies to represent the areas of Solid Waste and Water Resources with terms expiring June 30, 2006 was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: LYON PARK ADVISORY BOARD - REAPPOINTMENT

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to reappoint Victoria Joyce Maulsby to the Lyon Park Advisory Board with term expiring June 30, 2004 was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: MULTI-JURISDICTIONAL ADVISORY BOARD - RECEIPT AND ACCEPTANCE OF AN APPLICATION

To receive and accept an application for a citizen to fill one (1) vacancy for a community representative. The term will expire April 1, 2004.

Note: At the July 24, 2003 City Council Work Session, this item was referred back to the City Clerk's Office.

SUBJECT: AUDIT SERVICES OVERSIGHT COMMITTEE - APPOINTMENT

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to appoint Irene Jasper to the Audit Services Oversight Committee representing the Business Community (a Certified Public Accountant) with term expiring July 3, 2007 was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: CONTRACTS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute the following list of contracts; and

To authorize the City Manager to make changes to contracts on the list before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contracts was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

August 4, 2003

Contracts Submitted for Council Approval COUNCIL WORK SESSION 7/24/03 FY04			
Contractor	Contract Description	Dept	CT Amt
Gary Bronson	Lease 136 Leigh Farm Road	Gen Service	Revenue \$700.00 month
Don Curry Systems	Contract extension-phone system repair	Tech Sol	\$ 28,000.00
Xiomara Boyce	Spanish instruction	Hu Res	\$ 7,500.00
UNC Water Research Institute	Membership in Urban Water Consortium	Env Res	\$ 10,000.00
Durham Technical Community College	English as a second language	Hu Res	\$ 2,070.00
Durham Technical Community College	GED class	Hu Res	\$ 2,971.00
Printrak International	maintenance on AFIS Machine	Police	\$ 21,402.00
PolyTech Inc	Contract amendment-Additional design work	Gen Service	\$ 39,430.00
Joseph Daye	Official	P&R	\$ 1,200.00
Stuart Krall	Official	P&R	\$ 2,500.00
Timothy Jackson	Official	P&R	\$ 2,500.00
Ricky Daye	Official	P&R	\$ 2,500.00
Allen Clayton	Official	P&R	\$ 1,200.00
Bonnie Daye	Official	P&R	\$ 1,200.00
Accie Caldwell	Official	P&R	\$ 1,200.00
Dennis Roberts	Official	P&R	\$ 1,200.00
Roy Williams	Official	P&R	\$ 1,200.00
Kenneth Alston	Official	P&R	\$ 1,200.00
David Everly	Official	P&R	\$ 2,500.00
Isaiah Lincoln	Official	P&R	\$ 2,500.00
Diane Spangler	Official	P&R	\$ 800.00
William Madden	Official	P&R	\$ 2,500.00
Alisa Price	Official	P&R	\$ 2,500.00
Krista Reynolds	Official	P&R	\$ 2,500.00
Vaughan Reynolds	Official	P&R	\$ 1,000.00
Joseph Polcao	Official	P&R	\$ 4,000.00
Craig Wolfe	Official	P&R	\$ 2,500.00
Paul Conroy	Official	P&R	\$ 1,200.00
Allan DeCoret	Official	P&R	\$ 2,500.00
Joseph Peel	Official	P&R	\$ 2,500.00
Wilber Blake	Official	P&R	\$ 2,500.00
Theresa Setty	Official	P&R	\$ 2,500.00
David McKee	Official	P&R	\$ 2,500.00
Anthony Crutchfield	Official	P&R	\$ 1,600.00
Charlie Miles	Official	P&R	\$ 2,000.00
Carl Neighbors	Official	P&R	\$ 2,500.00

August 4, 2003

Ahmed Mohammed	Official	P&R	\$ 2,500.00
Grant Underhill	Official	P&R	\$ 2,500.00
Gerald Haskins	Official	P&R	\$ 1,200.00
Robert Wynne	Official	P&R	\$ 1,200.00
Frank Wong	Taichi	P&R	\$ 3,000.00
Monica Perry	Senior Exercise	P&R	\$ 1,560.00
Sherman Fogg	Tae Kwon Do	P&R	\$ 1,500.00
Michael Green	Tae Kwon Do	P&R	\$ 3,176.25
Robert Miller	Security for Teen Night	P&R	\$ 2,700.00
Debra Crumpler	Security for Teen Night	P&R	\$ 2,700.00
McDaniel Roberts	Dance Class	P&R	\$ 1,800.00
Temike Smith	Computer Instruction	P&R	\$ 4,000.00
Arnetta Herring	Aerobics	P&R	\$ 2,300.00
Rags to Riches	Theatre for children	P&R	\$ 250.00
Richard Wooten	Facility Attendant	P&R	\$ 2,500.00
Ralph Glasgow	Facility Attendant	P&R	\$ 3,000.00
Carl Bumpass	Facility Attendant	P&R	\$ 2,500.00
Robert Core	Facility Attendant	P&R	\$ 3,000.00
Elizabeth Colquitt	Facility Attendant	P&R	\$ 2,184.00
Keith Nesbit	Baseball umpire	P&R	\$ 2,500.00
Donovan Fikae	Field Maintenance	P&R	\$ 2,000.00
Abosede Copeland	Computer Instruction	P&R	\$ 1,600.00
Annie Walton	Facility Attendant	P&R	\$ 2,500.00
Christopher Cook	Field Maintenance	P&R	\$ 2,000.00
Nazeeh Magar	Presupervisory skills workshop	Hu Res	\$ 4,800.00
Duke Energy Corp	Install and Maintain 10 light poles	Env Res	\$ 3,690.00
Steve Bass Inc	Stormwater Maintenance & Facility Permit agreement	Public Works	na
Sun River Builders	Stormwater Maintenance & Facility Permit agreement	Public Works	na
State Employees Credit Union	Stormwater Maintenance & Facility Permit agreement	Public Works	na
Southpoint Crosland	Stormwater Maintenance & Facility Permit agreement	Public Works	na
Featherstone Village Apts	Stormwater Maintenance & Facility Permit agreement	Public Works	na
Williams Construction	Stormwater Maintenance & Facility Permit agreement	Public Works	na

SUBJECT: BID REPORT – JUNE 2003

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve and record in the minutes the following bids that were acted upon by the City Manager during the month of June 2003 was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

August 4, 2003

CITY OF DURHAM NORTH CAROLINA

July 14, 2003

MEMO TO: Marcia L. Conner, City Manager

THROUGH: Kenneth C. Pennoyer, Finance Director

FROM: Joseph W. Clark, Purchasing Manager

SUBJECT: Bid Report

To approve and record in the minutes bids which were acted upon by the City Manager during the month of **June 2003**.

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:

1. Bid: ProQA Software and Maintenance

Purpose of Bid: To provide ProQA software and maintenance for the 911 Communication Center. This software interfaces with existing H T E software.

Comments: H T E is the sole source provider for the software and maintenance.

Opened: June 2, 2003

Bidders: H T E Inc. *\$13,555.00
Lakeland, FL

*Awarded based on: _____ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	438		# Black Males	16	04%
Total # Females	203	46%	# White Males	186	42%
Total # Males	235	54%	# Other Males	33	08%
			# Black Females	10	02%
			# White Females	175	40%
			# Other Females	18	04%

LOCATION OF PERFORMING CONTRACT
Lake Mary, Fl

August 4, 2003

Total Workforce	273		# Black Males	14	05%
Total # Females	124	45%	# White Males	111	41%
Total # Males	149	55%	# Other Males	24	09%
			# Black Females	04	01%
			# White Females	106	39%
			# Other Females	14	05%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

2. Bid: Contract Extension – Automotive Glass Replacement and Repairs

Purpose of Bid: This is a contract to provide the City with a contractor to replace and make repairs to automotive glass.

Comments: The contractor has agreed to extend the contract with no price increase.

Opened: April 10, 2000

Bidders: Fleet Glass Services, Inc. * \$10,000.00
Raleigh, NC

*Awarded based on: ☐ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	5		# Black Males	0	00%
Total # Females	1	20%	# White Males	4	80%
Total # Males	4	80%	# Other Males	0	00%
			# Black Females	0	00%
			# White Females	1	20%
			# Other Females	0	00%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

3. Bid: Unisys LINC Software Subscription

Purpose of Bid: In order to maintain the mainframe system operation, it is necessary to extend the service maintenance agreement on hardware and software products for the next three years. The service maintenance agreement extension will allow the City of

August 4, 2003

Durham to upgrade the present software to the current level where support is still available. The subscription license must be current in order to receive support from the vendor.

Comments: The Unisys Corporation is sole source provider for the LINC software subscription.

Opened: May 23, 2003

Bidders: Unisys Corporation * \$68,506.00
Kernersville, NC

*Awarded based on: _____ Low Bid X Other (See Comments)

The Equal Opportunity/Equity Assurance Department reviewed the bids submitted by Unisys Corporation of Mission Viejo, CA and have determined that they are in compliance with the Minority and Women Business Enterprises Ordinance.

There were no M/WBEs to provide this product/service.

The workforce statistics for Unisys Corporation are as follows:

	2002			2003		
Total Workforce	1006	100%	Total Workforce	901	100%	
Total Females	304	30%	Total Females	268	14%	
Total Males	702	70%	Total Males	633	86%	
Black Males	15	1%	Black Males	16	2%	
White Males	499	50%	White Males	444	49%	
Other Males	188	19%	Other Males	173	19%	
Black Females	6	1%	Black Females	8	2%	
White Females	202	20%	White Females	175	19%	
Other Females	96	9%	Other Females	85	9%	

Performance Bond: _____ Waived _____ Not Waived X Not Required

4. Bid: Mechanical Bar Screen

Purpose of Bid: To purchase a replacement Mechanical Bar Screen for the Lick Creek Pump Station.

Comments:

Opened: June 12, 2003

Bidders: Vulcan Industries, Inc. * \$67,343.00
Missouri Valley, IA
Ondeo Degremont, Inc. \$93,869.00

August 4, 2003

Richmond, VA

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	44		# Black Males	0	00%
Total # Females	3	07%	# White Males	41	93%
Total # Males	41	93%	# Other Males	0	00%
			# Black Females	0	00%
			# White Females	3	07%
			# Other Females	0	00%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

5. Bid: Install New Roof on the NDWRF Plant "A" Control Building

Purpose of Bid: Replace aging roof at the NDWRF

Comments:

Opened: June 12, 2003

Bidders:	Triangle Roofing Services, Inc.	* \$59,950.00
	Durham, NC	
	T. R. Driscoll, Inc.	\$62,858.00
	Lumberton, NC	
	Guaranteed Systems, Inc.	\$79,152.00
	Stoneville, NC	
	Pickard Roofing Company, Inc.	\$93,500.00
	Durham, NC	

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	10		# Black Males	0	00%
Total # Females	1	10%	# White Males	1	10%
Total # Males	9	90%	# Other Males	8	80%
			# Black Females	0	00%
			# White Females	1	10%
			# Other Females	0	00%

Performance Bond: ☐ Waived ☒ Not Waived ☐ Not Required

August 4, 2003

The M/WBE Data Base was used in the solicitation of bids for this item.

6. Bid: Fence Modifications at the Brown WTP

Purpose of Bid: To repair the fence and gate at the Brown WTP.

Comments:

Opened: June 23, 2003

Bidders: Dickerson's Fence Company, Inc. * \$40,625.00
Durham, NC
Fence Doctor \$50,000.00
Raleigh, NC

*Awarded based on: ☒ Low Bid ☐ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	17		# Black Males	2	11.75%
Total # Females	3	17.5%	# White Males	8	47%
Total # Males	14	82.5%	# Other Males	4	23.5%
			# Black Females	0	00%
			# White Females	3	17.5%
			# Other Females	0	00%

Performance Bond: ☐ Waived ☐ Not Waived ☒ Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

7. Bid: Two (2) Trailer Mounted Trash Pumps

Purpose of Bid: To provide the Storm Water Maintenance division with trash pumps.

Comments: Bids were solicited from several bidders and only one response was received.

Opened: June 24, 2003

Bidders: Neff Rental, Inc. * \$13,720.00
Durham, NC

*Awarded based on: ☐ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS

August 4, 2003

CORPORATION STATISTICS

Total Workforce	1019		# Black Males	58	06%
Total # Females	122	12%	# White Males	760	75%
Total # Males	897	88%	# Other Males	79	08%
			# Black Females	2	0.2%
			# White Females	96	8.8%
			# Other Females	24	02%

LOCATION OF COMPANY PERFORMING CONTRACT
Durham, NC

Total Workforce	11		# Black Males	2	19%
Total # Females	1	09%	# White Males	8	73%
Total # Males	10	91%	# Other Males	0	00%
			# Black Females	0	00%
			# White Females	1	09%
			# Other Females	0	00%

Performance Bond: _____ Waived _____ Not Waived **X** Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

8. Bid: Work Order Management Software

Purpose of Bid: The intent of the Work Order Management Software is to have a fully integrated system. This system will act as a work order and preventative maintenance system that will allow City personnel and contracted staff to readily maintain records of the status of all property maintained by the City, perform and schedule routine maintenance and inspections, accept and generate work orders for City and contract personnel and generate accurate and timely reports of property statuses, repair activities, etc.

Comments: The Work Order Management Software System was evaluated and awarded under the criteria from G.S. 143-129.8 for Information Technology Contracts. The contract was awarded to the submitter of the "best overall proposal" taking into account the following criteria: The Vendor's proposed solutions will be evaluated according to the following criteria:

- Ability to meet the General Requirements
- Ability to meet the Operating System Requirements
- Ability to meet the Application Software System and Documentation Requirements
- Ability to meet the Hardware and Software Warranty Requirements
- Cost of system

August 4, 2003

- Existence of current vendor products to satisfy the requirement

MRO Software, Inc., is the recommended contractor in the amount of \$96,698.00.

Opened: May 27, 2003

Bidders:	MRO Software, Inc.	* 263 (score)
	Bedford, MA	
	Maximus	252 (score)
	San Antonio, TX	
	Eutech Cybernetics, Inc.	200 (score)
	Pittsburgh, PA	
	Public Sector Dynamics	194 (score)
	Bethesda, MD	
	Hansen Information Technologies	179 (score)
	Sacramento, CA	
	Corrigo, Inc.	167 (score)
	Redwood City, CA	
	GBA Master Series	161 (score)
	Kansas City, MO	
	DPSI	134 (score)
	Greensboro, NC	
	CHAMPS Software, Inc.	128 (score)
	Crystal River, FL	
	Teamworks Solutions	128 (score)
	Dunn, NC	
	Xylex 2000	126 (score)
	Plantation, FL	

*Awarded based on: _____ Low Bid X Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	657		# Black Males	9	01%
Total # Females	208	32%	# White Males	385	59%
Total # Males	449	68%	# Other Males	55	08%
			# Black Females	9	01%
			# White Females	168	26%
			# Other Females	31	04%

Performance Bond: _____ Waived _____ Not Waived X Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

9. Bid: Installation of a Fire Alarm and Detection System

August 4, 2003

Purpose of Bid: Installation of a Fire Alarm and Detection System at the Environmental Resources Department, 1600 Mist Lake Drive.

Comments:

Opened: June 24, 2003

Bidders: Pinnacle Fire Systems, Inc. * \$33,150.00
Apex, NC
United Security Service \$38,332.00
Raleigh, NC
East Coast Fire Protection, Inc. \$62,000.00
Raleigh, NC

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	4		# Black Males	0	00%
Total # Females	1	25%	# White Males	3	75%
Total # Males	3	75%	# Other Males	0	00%
			# Black Females	0	00%
			# White Females	1	25%
			# Other Females	0	00%

Performance Bond: _____ Waived _____ Not Waived X Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

10. Bid: Janitorial/Cleaning Services for the Fire Administration Building

Purpose of Bid: To provide janitorial/cleaning services for the Fire Administration Building.

Comments: Previous contractor was released due to non-performance.

Opened: May 13, 2002

Bidders: Mother and Daughter Cleaning *\$1,476.00/mo
Durham, NC \$17,712.00/12 months

*Awarded based on: _____ Low Bid X Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

August 4, 2003

Total Workforce	5		# Black Males	3	60%
Total # Females	2	40%	# White Males	0	00%
Total # Males	3	60%	# Other Males	0	00%
			# Black Females	2	40%
			# White Females	0	00%
			# Other Females	0	00%

Performance Bond: _____ Waived _____ Not Waived **X** Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

11. Bid: Rugs for the Civic Center

Purpose of Bid: To purchase rugs for the reception area of the Civic Center

Comments:

Opened: June 30, 2003

Bidders:	Bull City Rug	* \$13,867.00
	Durham, NC	
	Eastman's Carpet	\$16,280.00
	Raleigh, NC	

*Awarded based on: **X** Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	14		# Black Males	1	08%
Total # Females	6	42%	# White Males	7	50%
Total # Males	8	58%	# Other Males	0	00%
			# Black Females	0	00%
			# White Females	6	42%
			# Other Females	0	00%

Performance Bond: _____ Waived _____ Not Waived **X** Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

12. Bid: Fire/EMS Software

Purpose of Bid: To provide the Fire Department with a fire and emergency medial service management software package.

Comments:

August 4, 2003

Opened: June 30, 2003

Bidders:	End2End, Inc.	* \$29,750.00
	Medford, MA	
	Firehouse Software	\$56,955.00
	Urbandale, IA	
	Medusa	\$180,000.00
	Halifax, Nova Scotia	

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

Total Workforce	15		# Black Males	2	14%
Total # Females	9	60%	# White Males	3	20%
Total # Males	6	40%	# Other Males	1	06%
			# Black Females	3	20%
			# White Females	4	26%
			# Other Females	2	14%

Performance Bond: _____ Waived _____ Not Waived X Not Required

The M/WBE Data Base was used in the solicitation of bids for this item.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (*).

JWC:lm

SUBJECT: RESOLUTION AUTHORIZING THE ANNUAL CITY AUCTION

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a resolution authorizing the Annual City Auction to be held on September 20, 2003 at 10:00 a.m. was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

Resolution #9018

**SUBJECT: MEMORANDUM OF AGREEMENT FOR REGIONAL RESPONSE
URBAN SEARCH AND RESCUE TEAM – CITY OF RALEIGH –
TOWN OF CHAPEL HILL – TOWN OF CARY**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to enter into a Memorandum of Agreement for a Regional Response Urban Search and Rescue

August 4, 2003

Team with the City of Raleigh, Town of Chapel Hill, and the Town of Cary was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: DEMOLITION AND ENVIRONMENTAL REMEDIATION OF DATA FACILITIES LOCATED AT 111 AND 123 VIVIAN STREET - D. H. GRIFFIN WRECKING COMPANY, INC.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to increase the appropriation for the contingency funding for the contract titled "The Demolition and Environmental Remediation of 111 and 123 Vivian Street known as "The DATA Center" with D. H. Griffin Wrecking Company, Inc. by the sum of \$220,776, and

To adopt "An ordinance amending The 2003-04 City Of Durham Budget Ordinance, The Same Being Ordinance 12814" was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

Ordinance #12837

SUBJECT: EAGLE VILLAGE CDC - MURPHY STREET CONTRACT AMENDMENTS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to modify Attachment A (Scope of Work) for each contract to include ancillary activities related to, and necessary for the completion of infrastructure and landscaping activities in the contracts; and

To extend the term of the two (2) subrecipient contracts with Eagle Village CDC for infrastructure and landscaping improvements on Murphy Street from June 30, 2003 to December 31, 2003; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: PIZZA DELIVERY COMPLAINT UPDATE

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive a report from the Human Relations Department on the implementation of delivery and customer service action plans by Domino's, Papa John's and Pizza Hut was approved at

August 4, 2003

8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: BLUE CROSS BLUE SHIELD OF NC FOUNDATION GRANT
FOR ADAPTIVE SPORTS PROGRAM**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a grant project ordinance for FY2003-2004, Blue Cross and Blue Shield of North Carolina Foundation grant for the Adaptive Sports Program was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

Ordinance #12838

**SUBJECT: CONTRACT WITH DURHAM PUBLIC SCHOOLS FOR
EASTWAY ELEMENTARY SCHOOL – BEFORE AND AFTER
SCHOOL PROGRAMS**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into an agreement to provide \$44,000 to the Durham Public Schools Community Education Department for the purpose of subsidizing the provision of Before and After School programs at the Eastway Elementary School for the 2003-2004 school year; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: MAJOR SITE PLAN - NC MUSEUM OF LIFE AND SCIENCE,
BIOQUEST II (D03-151)**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve a site plan for a new classroom and exhibit buildings with a parking lot expansion at an existing museum on an 89 acre site was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: MAJOR SITE PLAN - TEXAS ROADHOUSE RESTAURANT (D03-
175)**

August 4, 2003

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve a site plan for a 6,922 square foot, 239-seat restaurant with 137 parking spaces on a 4.1 acre site was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: MAJOR SITE PLAN AND PRELIMINARY PLAT FOR SWANN'S MILL SUBDIVISION (D03-088)

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve a major site plan and preliminary plat for "Swann's Mill Subdivision", submitted by John R. McAdams Company, Inc. on behalf of D. R. Horton, Inc., for 299 single-family residential lots and 102 townhouse lots on a +/-129.88 acre site zoned PDR 4.35 and R-20(D), F/J-B. The property is located north of Hebron Road, and west of Old Oxford Highway. Tax reference 785-01-001, 001A, 001B, 001C, 001D and PIN 0834-04-62-6000, 0834-04-70-2822, 0834-04-70-4823, 0834-04-71-7367, 0834-04-81-2382. City Atlas Page 13, Block C-3, C-4 and D-3 was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: SETTING A PUBLIC HEARING TO CONSIDER ORDERING PETITIONED IMPROVEMENTS – OBIE DRIVE

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to accept a Certificate of Sufficiency from the Manager of Engineering for each of the following petitions; and

To adopt a resolution setting a public hearing for August 18, 2003 to consider ordering each of the following improvements was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

Sidewalk on Obie Drive (Both Sides) - from Barbee Road to Fayetteville Road

Curb, Gutter and Paving and Water and Sewer Laterals on Obie Drive - from Barbee Road to Fayetteville Road

SUBJECT: WATER & SEWER EXTENSION AGREEMENT WITH DURHAM LAND ASSOCIATES, LLC - STONE HILL ESTATES CLUSTER, PHASES 1-4

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a water and sewer extension agreement with Durham Land Associates, LLC to serve Stone Hill Estates Cluster, Phases 1-4 was

August 4, 2003

approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: WATER & SEWER EXTENSION AGREEMENT WITH D. R. HORTON, INC. – TORREY - OAKHURST PHASE 2

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a water and sewer extension agreement with D. R. Horton, Inc. - Torrey to serve Oakhurst Phase 2 was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: ON-STREET PARKING

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance establishing handicap parking was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

1. On the west side of Sedgefield Street beginning at a point 175 feet south of the south curb line of W. Knox Street, if extended, and extending for a distance of 25 feet southward;
2. On the north side of Main Street beginning at a point 48 feet west of the west curb line of N. Elm Street, if extended, and extending for a distance of 25 feet westward; and
3. On the north side of Halley Street in the area beginning at a point 25 feet east of the east curb line of Kent Street, if extended, and extending for a distance of 25 feet eastward.

Ordinance #12839

SUBJECT: STOP SIGNS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance to repeal the following ordinances was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

August 4, 2003

- 1) That portion of Ordinance #2519 (1), adopted October 3, 1966, authorizing the installation of a stop sign on Apex Street at Carolina Circle, northeast corner;
- 2) That portion of Ordinance #12802 (a), adopted June 2, 2003, authorizing the installation of a stop sign on Forest Creek Road at Archdale Drive, west intersection, southeast corner (due to street name change); and
- 3) That portion of Ordinance #12802 (b), adopted June 2, 2003, authorizing the installation of a stop sign on Forest Creek Road at Archdale Drive, east intersection, southeast corner (due to street name change).

Ordinance #12840

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

1. Glidewell Court at Archdale Drive, west intersection, southeast corner;
2. Glidewell Court at Archdale Drive, east intersection, southeast corner; and
3. Danube Lane at Hebron Road, northwest corner (Summer Meadows).

Ordinance #12841

**SUBJECT: TRAFFIC CALMING MEASURES IN THE VICINITY OF
MARYLAND AVENUE AND SUNSET AVENUE**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a resolution directing the Administration to implement a series of measures designed to result in reasonable speeds and volumes of traffic on Maryland Avenue, Sunset Avenue, and nearby streets was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

Resolution #9019

SUBJECT: SPEED LIMIT REDUCTIONS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing a 35 mph speed limit on the following segment: Mt. Moriah Road from Old Chapel Hill Road to US 15-501; and

To adopt an ordinance authorizing a 30 mph speed limit on the following street segment: Lakewood Avenue from Chapel Hill Street to Duke Street; and

August 4, 2003

To adopt an ordinance authorizing a 25 mph speed limit on the following street segments: Grouse Court from Davie Road to the end of city maintenance and Greyfield Boulevard from South Roxboro Street to Juliette Drive was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

Ordinance #s 12842 – 12843 - 12844

**SUBJECT: MULTI-JURISDICTION COOPERATION RESOLUTION – TO
ENCOURAGE PLANNING COORDINATION IN THE CENTER
OF THE REGION – CITY OF RALEIGH – COUNTY OF WAKE –
COUNTY OF DURHAM – TOWN OF MORRISVILLE – TOWN OF
CARY**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt the Multi-Jurisdiction Cooperation Resolution was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

Resolution #9020

**SUBJECT: ADULT AND DISLOCATED WORKER AMENDMENT -
DEPARTMENT OF SOCIAL SERVICES**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to execute an amendment to the contract with the Department of Social Services to allow the contractor to serve older youth population (18-21) in finding and retaining employment was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: EQUAL BUSINESS OPPORTUNITY PROGRAM ADVISORY
COMMITTEE (EBOP)**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a resolution authorizing the Equal Business Opportunity Program Advisory Committee (EBOP) was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

Resolution #9021

August 4, 2003

**SUBJECT: PROPOSED SALE OF CITY TRACT 798, LOCATED AT 724
FOSTER STREET - COMMUNITY SCHOOL FOR CHILDREN**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the sale of City Tract #798, located at 724 Foster Street, Parcel ID 105017, PIN 0822-20-90-2692, Tax Map 062-03-002 to the Community School for Children for \$205,000, under the authority of Chapter 86 of the City Charter was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: PROPOSED LEASE AGREEMENT BETWEEN THE CITY OF
DURHAM AND DURHAM COUNTY - FORMER FIRE STATION
#8**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the lease extension between the City of Durham and Durham County for former Fire Station #8 at the fair market rate of \$7.49 per square foot for a total of \$14,000 (rounded) annually was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: LICENSE AGREEMENT BETWEEN THE CITY OF DURHAM
AND AMERICAN TOWER CORPORATION**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the license agreement between the City of Durham and American Tower Corporation for co-location of the City's 800 Mhz System and the enhanced 911 system was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: PROPOSED EMINENT DOMAIN PROCEEDING FOR A
GREENWAY EASEMENT FOR THE NORTH/SOUTH
GREENWAY, THIRD FORK CREEK TRAIL – EMMETT
BROWN AND HOME MODERNIZATION COMPANY – 600
HOMELAND AVENUE**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to find that it is necessary in the public interest, and for the public use and benefit to condemn approximately 1.750 acres of property of Emmett Brown and Home Modernization Company, Tax Map 174-03-001, PIN 0820-16-84-2498; and

August 4, 2003

To authorize the City Attorney to initiate eminent domain proceedings in accordance with Chapter 40A of the North Carolina General Statutes with a deposit of \$7,000, as the estimate of just compensation was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: LOAN AGREEMENT AMENDMENT - REBUILD DURHAM, INC.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to amend the existing loan agreement with Rebuild Durham, Inc. in an amount not to exceed \$350,000, funded from FY 02-03 HOME Funds; and

To execute a CHDO Grant Agreement with Rebuild Durham, Inc. in an amount not to exceed \$38,000, funded from FY 02-03 HOME Funds; and

To make minor changes to the Agreement, as are consistent with City policy and HOME regulations as published by HUD; and

To find and determine that mortgage loans for this permanent rental project are not otherwise available, wholly or in part, from public or private lenders, upon equivalent or reasonably equivalent terms and conditions was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: ASBESTOS REMOVAL AND DEMOLITION CONTRACT FOR
STRUCTURES ON BARNES AVENUE – CCS GENERAL
CONTRACTORS INC. – GIBBS GRADING INC.**

To authorize the City Manager to enter into a contract with CCS General Contractors, Inc. in the amount of \$18,200 to provide asbestos removal and demolition services for seven (7) structures on Barnes Avenue, and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract; and

To authorize the City Manager to enter into a contract with Gibbs Grading Inc. in the amount of \$3,800 to provide asbestos and demolition services for the structure located at 533 Barnes Avenue, and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract.

Note: This item was approved at the 7/24/03 Work Session with a vote of 6/0.

August 4, 2003

**SUBJECT: CONTRACT WITH NORTH CAROLINA CENTRAL
UNIVERSITY FOR PUBLIC MASS TRANSIT SERVICES**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a contract with North Carolina Central University for public mass transit services was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: SERVICE AGREEMENT FOR TELEMETRY LINES – VERIZON
SOUTH, INC. - TELEMETRY SERVICE**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a thirty-six (36) month contract with Verizon South, Inc. to furnish the City of Durham with Telemetry Service at a monthly rate of \$22.40 per line [these charges do not include federally mandated end user common line charges, any applicable local, state, federal fees, taxes, surcharges or other applicable tariff charges]; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: SALES AND SOLICITATION ORDINANCE UPDATE

To receive a report on the Sales and Solicitation Ordinance.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to refer this item to the August 7, 2003 City Council Work Session was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: ACQUISITION OF LOWES GROVE PROPERTY -
PRELIMINARY SITE INVESTIGATION**

To receive and accept the preliminary site investigation report; and

August 4, 2003

To authorize the City Manager to proceed with additional site feasibility analysis to determine potential uses, benefits and costs associated with the acquisition of the Lowes Grove parcel.

As a priority item, City Manager Conner requested that this item be referred to the August 7, 2003 City Council Work Session.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to refer this item to the August 7, 2003 City Council Work Session was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: BARNES AVENUE UPDATE

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive a report on the Barnes Avenue Update was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: MONTHLY CRIME REPORT

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive the Monthly Crime Report from the Police Department was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: DR. ROBERT M. ZUCKER – LAKEWOOD ELEMENTARY SCHOOL

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive comments from Robert M. Zucker on the Lakewood Elementary School Construction and to refer this item to the administration was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: FREDERICK D. WARSAW

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive comments from Frederick D. Warsaw on additional funding for Public Works to replace the ground cover to include trees in the back of their neighbors' homes and to refer this item to the administration was approved at 8:25 p.m. by the following vote: Ayes:

August 4, 2003

Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: CAC – COLLIER ESTATES, CHENAULT, ALSTON AVENUE
AND HOMEWOOD**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive comments from Mrs. Betts on behalf of LeVern Harper on several issues in their neighborhood and to refer this item to the administration was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: LILLIE M. LYONS

Ms. Lillie Lyons made comments urging Council to reduce the DATA bus fare from \$1 back to 75 cents.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive comments from Lillie M. Lyons on DATA's fare increase and the public restroom at the DATA Downtown Terminal was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: ROGER MONTEITH – PARSONS CHASE

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive comments from Roger Monteith to appeal the decision to eliminate curbside recycling at Parsons Chase and to refer this item to the administration was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: REQUEST TO RELOCATE ABANDONED UNKNOWN FAMILY
CEMETERY AT SUMMER MEADOW SUBDIVISION ON
HEBRON ROAD - CROSSMANN COMMUNITIES OF NORTH
CAROLINA, INC.**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive comments from Mr. R. Ward Sutton to relocate an unknown cemetery located at Summer Meadow Subdivision; and

To adopt a "Resolution Giving Consent to Crossmann Communities of North Carolina, Inc. to Relocate an Abandoned and Unknown Family Cemetery Located at Summer

August 4, 2003

Meadow Subdivision on Hebron Road in Durham, North Carolina” was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

Resolution #9022

SUBJECT: MARGARET B. NEELY

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive comments from Margaret B. Neely on funding and space for Senior Exercise Classes was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: STORMWATER MAINTENANCE & FACILITY PERMIT AGREEMENT CONTRACT - THE MMDT FAMILY, LLC – FRAZIER STREET MEDICAL CENTER

To authorize the City Manager to execute a contract with The MMDT Family, LLC for Stormwater Maintenance and Facility Permit Agreement (Frazier Street Medical Center); and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract.

Note: This contract was approved at the 7/24/03 Work Session with a vote of 6/0.

SUBJECT: REQUESTED APPROPRIATION TO CELEBRATE THE 100TH YEAR LEGACY OF LINCOLN HOSPITAL SCHOOL OF NURSING

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a “Resolution by the City Council of the City of Durham Authorizing the Charge of \$20,000.00 to the Contingency Account of the General Fund and a Credit of \$20,000.00 to the Governance Account”; and

To adopt an ordinance amending the 2003-2004 City of Durham Budget Ordinance, the same being Ordinance #12814 was approved at 8:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

Resolution #9023
Ordinance #12845

August 4, 2003

[ITEMS PULLED FROM CONSENT AGENDA]

SUBJECT: EXTENSION OF 1996 REFERENDUM AUTHORITY

Mayor Pro Tempore Cheek raised a concern with the number of streets unpaved in the City of Durham and asked the administration why there is over \$11 million in bonds that have not been issued.

Finance Director Ken Pennoyer gave an update on specific projects [Foster/Corcoran Center City Plaza, downtown loop and street alignment] which make up the bulk of the unissued debt amount.

Relative to major projects [Downtown Streetscape], City Manager Conner noted a contract to award \$3 million will be coming forward at the next City Council Meeting.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cheek to adopt a resolution to set a public hearing on August 18, 2003 at 7:00 pm on the question of whether the maximum time period for issuing bonds under orders authorizing \$35,245,000 Street Bonds, \$20,375,000 Park and Recreational Facility Bonds, \$20,000,000 Housing Bonds and \$5,165,000 Public Transportation Bonds, which took effect on November 5, 1996 should be extended from seven to 10 years was approved at 8:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

Resolution #9017

**SUBJECT: CONTRACT WITH HERITAGE DIRECTIONS, LLC FOR
HISTORIC PARRISH STREET COMMEMORATION -
HERITAGE DIRECTIONS, LLC**

Joel Kostyu asked questions that were answered by staff relative to Heritage Directions, LLC [its membership, goals of \$80,000, timetable to attain goals and how will projects be accomplished]. Also, he noted that he would like to participate in this effort expressing concerns about the direction of this project.

MOTION by Council Member Clement seconded by Council Member Stith to authorize the City Manager to execute a contract with Heritage Directions, LLC for \$80,000 to provide Historic Parrish Street Commemoration; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 8:42 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and

August 4, 2003

Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused
Absence: Council Member Edwards.

**SUBJECT: YOUTH CONTRACT AMENDMENT WITH DURHAM PUBLIC
SCHOOLS**

Carolina James-Rivera made comments on this item.

MOTION by Council Member Stith seconded by Council Member Clement to authorize the City Manager to execute an amendment to increase the contract amount with Durham Public Schools by \$65,000 to provide an entrepreneurship curriculum; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract was approved at 8:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused
Absence: Council Member Edwards.

**SUBJECT: REVISION OF THE CITY OF DURHAM JOB INCENTIVE
POLICY**

To adopt the resolution revising the job creation incentive policy for the City of Durham's Community Development Areas to include job retention incentives.

The following individuals spoke in support of this item: Bill Kalkhof, Anne Peele and Ted Conner.

Council Member Cole-McFadden asked the administration to include a provision in the policy to give incentives to equal opportunity employers.

Relative to Page 2 - Section 4, 2nd sentence of Policy [Job Creation and Retention], Mayor Bell asked the administration to look at the issue of a fallback provision to ensure if a job employs somebody they are there for the duration of the contract.

MOTION by Council Member Clement seconded by Council Member Cole-McFadden to refer this item to the August 7, 2003 City Council Work Session was approved at 9:01 p.m. the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: EMPLOYMENT AND PUBLIC ACCOMMODATIONS
ORDINANCE**

To adopt an ordinance suspending Chapter 8.6 of the Durham City Code,

August 4, 2003

Captioned "Employment and Public Accommodations."

Note: This item was approved at the July 24, 2003 Work Session with a vote of 6/0). Ordinance #12836

Steve Hopkins spoke in opposition to suspending the Employment and Public Accommodations Ordinance and requested a public hearing on this matter.

Assistant City Manager Ted Voorhees informed Council that a report will be given at the August 21, 2003 City Council Work Session.

Council held discussion on the ordinances in New Hanover County and Orange County and the reason for the public hearing.

City Manager Conner noted staff will bring back a proposal on August 18 which will address alternatives in terms of what is the future role of the Human Relations Department as it relates to EEOC cases.

MOTION by Council Member Clement seconded by Council Member Cole-McFadden to direct the City Manager to schedule a public hearing on August 18, 2003 on the suspension of the Employment and Public Accommodations Ordinance and alternatives was approved at 9:25 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

[GENERAL BUSINESS AGENDA]

SUBJECT: PROPOSED SALE OF ERWIN FIELD, CITY TRACT 396 AND CITY TRACT 1428 – DUKE UNIVERSITY

To approve the sale of Erwin Field, City Tract #396, Parcel ID 113384, PIN 0822-17-20-3382 Tax Map 144-03-005, City Tract #1428, Parcel ID 113385, PIN 0822-18-20-5644, Tax Map 144-03-002, located at 200 Oregon Street to Duke University for \$500,000, under the authority of Chapter 86 of the City Charter and Chapter 160A-267 of the North Carolina General Statutes.

As a priority item, City Manager Conner asked that this item be postponed indefinitely.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cheek to postpone this item indefinitely was approved at 9:27 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: REPORT ON CITIZEN'S COMPLAINT - #J-142, SYLVESTER G. BROOKS

August 4, 2003

To receive a report on Citizen's Complaint - # J-142, Sylvester G. Brooks, 1108 South Roxboro Street.

Betty Pittard, of the Real Estate Department, noted that staff is working on this item and will provide an answer at the August 7, 2003 City Council Work Session.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to refer this item to the August 7, 2003 City Council Meeting was approved at 9:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: CONTRACT FOR JANITORIAL SERVICES AT DBAP –
CITYSCAPE MAINTENANCE GROUP**

To authorize the City Manager to amend the contract with CityScape Maintenance Group to increase the total amount from \$489,675 to \$753,061 over a three year period; and

To authorize the City Manager to modify the contract before execution provided that modifications do not increase the dollar amount of the contract and the modifications are consistent with the general intent of the existing version of the contract.

Assistant Director Nancy Law, of General Services, made a presentation on this item giving an overview of the memo dated August 4. She made comments about City Council action taken at the July 24th Work Session, the ambiguity of bid forms and staff's recommendation to extend contract with CityScape.

Edward Sarvis, representing Sarvis Enterprises, spoke in opposition to this item commenting on his prior work history at DBAP and that CityScape is not the low bidder. He urged Council to compare the report between what he has done and what is being done at the DBAP.

Bill Johnson, of 1206 E. Main Street, spoke in opposition to this item. He spoke in support of Sarvis Enterprises' cleaning service record and noted it is wrong to not give this contract to them.

Victoria Peterson raised a concern with giving money to the Durham Bulls and noted the Bulls should hire a person to clean the facility.

Attorney James Williams, representing CityScape Maintenance Group, spoke in support of this item. He made comments about the ambiguity in the second bid, noted that Mr. Cecil Byers is still the low bidder, outlined and ironed out problems with City staff that Mr. Byers has encountered within his first 60 days and has rectified with City staff in bringing in the proper machinery, etc. Attorney Williams also asked that Council allow Mr. Byers an opportunity to provide quality and professional services to the Durham Bulls and citizens of Durham.

August 4, 2003

Cecil Byers, of CityScape Maintenance Group, spoke in support this item. He made comments about the bid request, his underestimation of the level of detail that has to be done at the DBAP and that his firm is capable of doing the work.

Council Member Stith asked staff what is the effect on the bid process concerning other bidders.

Assistant Director Nancy Law, of General Services, noted staff looked at what the effect on Mr. Sarvis' bid would be to include the USA Baseball games. She noted there were 38 games, 8 of which have already been played, and at Mr. Sarvis' per game price \$3,200 his total bid would be \$803,200 which means that CityScape would be the low bidder.

Council Member Stith raised a concern with the bid process and asked staff what do they plan to do to correct this situation.

Nancy Law commented on revising bid forms and receiving input from more people to make sure contractors understand forms.

Mayor Pro Tempore Cheek expressed a concern with process.

City Manager Conner made a recommendation that the CityScape contract be continued to the end of this Bull's season for another 30 days for the contractor to either be in compliance or not. Also, she stated we have drafted a letter with a list of items that the contractors agree to that he must be in compliance with and at the end of that 30-day period if the performance is not where it needs to be that the contract be terminated and re-bid this contract.

Council Member Best raised a concern with the cleaning service provided by CityScape for DBAP.

A motion was made by Mayor Pro Tempore Cheek seconded by Council Member Stith to continue the contract with CityScape to clean the ballpark through the end of the present baseball season and the City at that time will evaluate CityScape's performance and should a determination be made by the City and its staff that CityScape has failed to perform consistently in meeting or exceeding the minimum cleaning standards that Council consider the termination of the contract at that time.

City Attorney Blinder asked the administration do we have a dollar amount for the contract being continued.

Assistant Director Nancy Law noted that staff would have to go back and calculate the amount of revised bid for one year minus what has already be remitted to Mr. Byers and would seek direction from Council as to whether to add the additional amount on a per game basis retroactively to games that have already been completed.

City Manager Conner noted I believe the revisions with \$800 made the per game amount \$2724 per game. So if Council authorizes us to pay \$2724 per game for Sections 1 and 4,

August 4, 2003

Items 1 – 13, 19-28 and then for Sections 2 and 3 for a contract price of \$860 per homestead that should be the amount approved through the end of this season.

The Mayor apparently noted that's included in the motion and does the maker of the motion accept that motion.

Mayor Pro Tempore Cheek noted I would be happy to accept that in my motion. I don't understand it, but I would be glad to.

Mayor Bell asked the administration to bring this back [contract] at the Work Session on Thursday.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the manager to continue the contract with CityScape Maintenance Group to clean the ballpark through the end of the present baseball season and at the end of the season, the City will evaluate CityScape's performance and should a determination be made by the City and its staff that CityScape has failed to perform consistently in meeting or exceeding the minimum cleaning standards Council will consider the termination of the contract at that time was approved at 10:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Clement, Cole-McFadden and Stith. Noes: Council Member Best. Excused Absence: Council Member Edwards.

MOTION by Council Member Stith seconded by Council Member Best to extend the meeting beyond 10:00 p.m. was approved at 10:11 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

**SUBJECT: REZONING MATTER CASE P02-75 - ABERNATHY TRACT –
DAVID DANIEL CONSTRUCTION – 5247 BARBEE CHAPEL
ROAD**

To receive citizens' comments on rezoning Case P02-75 (Abernathy Tract); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-75 out of RD; F/J-B and placing same in and establishing same as PDR 6.024

Planning Department Recommendation: Approval

Zoning Committee Recommendation and Vote: Approval - (5-1)

[Valid protest petition filed against this rezoning]

August 4, 2003

Planning Director Frank Duke made comments about the valid protest petition and noted the applicant is requesting that this item be continued to the September 2, 2003 City Council Meeting in order to meet with area residents to resolve issues.

Bill Harris, representing the applicant, requested a deferral for two cycles to work with residents in light of the valid protest petition.

Mayor Bell opened the public hearing.

A citizen, representing Downing Creek Community Association, noted there is no objection to continuing the public hearing on this item as requested by the applicant.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to continue the public hearing without further advertising to the September 2, 2003 City Council Meeting was approved at 10:15 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: ZONING TEXT AMENDMENT - CHANGES TO ALLOW POT BELLIED PIGS [TC-03-08]

To receive citizens' comments on Zoning Text Amendment TC 03-08 (Definition Changes to Allow Potbellied Pigs); and

To adopt an ordinance amending the Zoning Ordinance to exempt Pot Bellied Pigs from the Definition of Livestock and to Establish Standards for Keeping these animals in all zoning districts.

Planning Department Recommendations: Approval
Zoning Committee Recommendations and Vote: Denial (7-0)

Planning Director Frank Duke briefed Council on the text amendment.

Mayor Bell opened the public hearing.

A citizen spoke in support of this item.

Mayor Bell declared the public hearing closed.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to receive citizens' comments on Zoning Text Amendment TC 03-08 (Definition Changes to Allow Potbellied Pigs); and

To adopt an ordinance amending the Zoning Ordinance to exempt Pot Bellied Pigs from the Definition of Livestock and to Establish Standards for Keeping these animals in all zoning districts was approved at 10:18 p.m. by the following vote: Ayes: Mayor Bell,

August 4, 2003

Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

Ordinance #12846

**SUBJECT: LAND USE PLAN AMENDMENT – LATTA SPRINGS (A02-22) –
HADEN STANZIALE C/O TODD PARROTT – SOUTHEAST OF
INTERSECTION OF LATTA AND GUESS ROADS**

To receive citizens' comments on Plan Amendment (A02-22 – Latta Springs; and

To adopt resolution to change the Land Use designation on the Future Land Use Map of the Lebanon Township Plan from Low Density Residential to Commercial.

Planning Department Recommendations: Denial

Planning Commission Recommendations: Approval (8-6)

Attorney Kenneth Spaulding, representing the applicant, requested that the public hearing be heard tonight and that the vote be taken when there is a full Council present.

Planning Director Frank Duke briefed Council on the plan amendment. He noted staff is recommending denial of this request because the proposal is inconsistent with the Lebanon Township Plan and economic development policy. He also noted the Planning Commission approved this request based on the need for additional commercial in the area.

Mayor Bell declared the public hearing opened.

John Mozart, of 112 Breslin Trail, spoke in opposition to the applicant's request of deferring the vote on this matter until a full Council is present.

Attorney Kenneth Spaulding, representing the applicant, spoke in support of plan amendment which would afford an opportunity for a commercial support area for a fast and ever-growing residential area of northern Durham, would allow for positive residential connectivity of this site and development sustainability. He made comments about the proposed commercial use, road improvements, smart growth and traffic. Attorney Spaulding urged Council to support this request.

Doris Tilley, of 4620 Guess Road, spoke in support of the plan amendment noting this would be an opportunity for Guess Road to be developed into a nice village/community shopping center. She urged Council to vote yes for the small area plan change.

Kathy Wright Moore, of 5117 Sourwood, spoke in favor of changing the small area plan.

Megan Gray, of 2 McCarty Court, spoke in opposition to plan amendment noting the area would change from residential to commercial. She made comments on the vacant

August 4, 2003

retail properties near the proposed location, existing grocery stores in the area, the proposal not being consistent with adopted plan and not being compatible to the surrounding area. She also noted petitions expressed opposition to development due to traffic, crime, environmental impacts and inconsistency with the Lebanon Township small area plan. She urged to support the Lebanon Township small area plan, staff's recommendations and local residents.

Lori Olsen, representing the Eno River Association, spoke in opposition to plan amendment and development of this particular location noting this is not what the community has in mind for this location.

Newman Anguiar, representing PAC 2, spoke against this item noting PAC 2 voted unanimously in opposition to this change.

John Mozart, of 11 Breslin Trail, spoke in opposition to this item noting he would like to have homes built and not another mall. He urged Council to support the residents.

Bob Penland, of 5301 Memory Lane, spoke in opposition to this item noting the residents need homes and not shopping centers.

Council Member Cole-McFadden noted she would be voting against this item expressing traffic concerns and the impact the development would have on existing stores already in the area.

Council Member Stith made comments on the location, traffic improvements and environmental impacts.

Mayor Pro Tempore Cheek spoke in opposition to this item due to staff's recommendation.

Council Members Best and Clement spoke in support of this item.

MOTION by Council Member Clement seconded by Council Member Best to receive citizens' comments on Plan Amendment (A02-22 – Latta Springs); and

To adopt resolution to change the Land Use designation on the Future Land Use Map of the Lebanon Township Plan from Low Density Residential to Commercial **FAILED** at 11:21 p.m. by the following vote: Ayes: Council Members Best, Clement and Stith. Noes: Mayor Bell, Mayor Pro Tempore Cheek and Council Member Cole-McFadden. Excused Absence: Council Member Edwards.

**SUBJECT: SEWER MAIN ON MARYWOOD DRIVE FROM NORTH
PROPERTY LINE OF TAX MAP 773-5-9 TO PARK PLACE AND
PARK PLACE FROM MARYWOOD DRIVE TO END OF CUL-DE-
SAC – MINI ASSESSMENT ROLL (CONTINUED FROM JUNE 2,
2003)**

August 4, 2003

To find that the property of John A. and Jan S. Hallenborg, identified as Tax Map 773-5-11, 9 Park Place, has benefited from the sewer main improvement and to confirm the assessment in the original amount of \$3,410.32.

Lee Murphy, of the Public Works Department, informed Council that the public hearing has been continued on this item, noted Mr. Hallenborg objects to his assessment and the property is not eligible for relief as stipulated in the assessment relief policy. He noted Mr. Hallenborg feels that his assessment should be based on a 100-foot property frontage instead of the actual 145 feet of frontage.

Mayor Bell opened the public hearing.

John Hallenborg, of 9 Park Place, noted he is seeking relief for damages to sewer system as noted in staff's letter dated April 11, 2003. Mr. Hallenborg also stated five months later he received a letter stating that actual amount was not the case.

Council Member Best made comments about the error that staff made in its letter dated April 11 to Mr. Hallenborg.

Mayor Bell declared the public hearing closed.

MOTION by Council Member Clement seconded by Council Member Cole-McFadden to grant Mr. Hallenborg partial relief based on 100 feet of frontage was approved at 11:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: ORDERING PETITIONED IMPROVEMENT - SEWER MAIN ON BROACH ROAD

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Clement seconded by Council Member Best to adopt a resolution ordering Sewer Main on Broach Road from Pennock Road to Mockingbird Lane was approved at 11:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

SUBJECT: ORDERING PETITIONED IMPROVEMENT - SEWER MAIN ON COOK ROAD

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

August 4, 2003

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Cole-McFadden to adopt a resolution ordering a Sewer Main on Cook Road from Harmony Road to Juliette Drive was approved at 11:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: ORDERING PETITIONED IMPROVEMENT - CURB, GUTTER
AND PAVING, WATER MAIN AND WATER AND SEWER
LATERALS ON EDGERTON DRIVE**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a resolution ordering Curb, Gutter and Paving, Water Main and Water and Sewer Laterals on Edgerton Drive from Ed Cook Road to the West Property Line of Tax Map 566-3-23 was approved at 11:30 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: ASSESSMENT ROLL CORRECTION - N.C. 98 HIGHWAY -
SEWER MAIN - JACKSON R. SANDERFORD**

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Best seconded by Council Member Cole-McFadden to adopt a resolution for the correction of an error on the assessment roll for a Sewer Main on N.C. 98 Highway from Valleydale Drive to Nichols Farm Road and Valleydale Drive from N.C. 98 Highway to West Property Line of Tax Map 633-3-10 (corrects the frontage and assessment amount for the property of Jackson R. Sanderford) was approved at 11:31 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

**SUBJECT: REZONING - NC 751/54 PROPERTY (P03-11) – JBW
TRIDURHAM PROPERTIES, INC. – EAST SIDE OF NC 751,
SOUTH OF THE INTERSECTION WITH NC 54**

To receive citizens' comments on rezoning Case P03-11 (NC 751/54 Property); and

August 4, 2003

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P03-11 out of R-20 and OI-1 and placing same in and establishing same as OI-2(D).

Planning Department Recommendation: Approval

Zoning Committee Recommendation and Vote: Denial - (6-0)

Planning Director Frank Duke briefed Council on the staff report.

Mayor Bell opened the public hearing.

PROPONENT

Ron Horvath, representing the applicant, spoke in support of this rezoning request.

No one spoke in opposition to this request.

Mayor Bell declared the public hearing closed.

Mayor Pro Tempore Cheek disclosed that he has done some work for Real Estates Associates in the past and he has no involvement or any financial interest in the matter.

MOTION by Council Member Best seconded by Council Member Clement to receive citizens' comments on rezoning Case P03-11 (NC 751/54 Property); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P03-11 out of R-20 and OI-1 and placing same in and establishing same as OI-2(D) was approved at 11:36 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement and Stith. Noes: Council Member Cole-McFadden. Excused Absence: Council Member Edwards.

[ITEM ADDED TO THE AGENDA]

SUBJECT: LICENSING CONTRACT FOR GRAPHIC DESIGN - CYNTHIA GURGANUS

MOTION by Council Member Stith seconded by Mayor Pro Tempore Cheek to authorize the city manager to enter into a contract with Cynthia Gurganus for graphic design for neighborhood watch signs was approved at 11:37 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

[CLOSED SESSION - 11:37 p.m.]

August 4, 2003

MOTION by Council Member Best seconded by Council Member Stith to return to open session was approved at 11:48 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden and Stith. Noes: None. Excused Absence: Council Member Edwards.

No action was taken by the City Council.

There being no further business to come before the City Council, the meeting was adjourned at 11:48 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk